IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3060 OF 1992

Trimurti Sahakari Co-operative
Dudh Utpadak Sanstha (Proposed) .. Petitioner.
Vs.
The Minister of State for
Diary Development & Ors. .. Respondents.

None for the petitioner.
None for the respondent.

CORAM : D.B.BHOSALE, J.
DATED : 16TH FEBRUARY, 2005

P.C.:

. The petitioner-society (proposed) had moved an application for registration and for permission to collect milk and to open bank account. Initially the application was rejected and those proceedings were carried upto this Court in Writ Petition Nos.3583 of 1991 and 3574 of 1991, which were disposed of in terms of the minutes of order. By the minutes of order, the order passed by the authorities below was set aside and respondent no.4 was directed to hear and dispose of the application of the petitioners afresh. That is how the second round of litigation was started. The proceedings once against reached the Minister of State for Dairy Development - respondent no.1. The revision before respondent no.1 was filed by respondent no.6

in which the order passed by respondent no.2 was set aside and the orders passed by respondent nos.3 and 4 were confirmed. That order passed by respondent no.1 is impugned in the instant writ petition. While issuing Rule, the following interim order in terms of the minutes of order was passed:

> "1. Rule.
>
> 2. Ad-interim relief granted on 12.7.1992 to continue with the following conditions:
>
> (a) that the registration granted to the respondent no.6-society to continue to operate.
>
> (b) Petitioner as well as Respondent No.6-Society would be at liberty to collect milk from its respective members.
>
> 3. It is clarified that Respondent No.4 is free to register the Petitioner-Society, if the said Society satisfies the condition pertaining to collection of milk.
>
> 4. Respondent Nos.1 to 4 and Respondent No.6 waive service of the rule".

. It is thus clear that by virtue of the interim order passed by this Court while issuing Rule in the instant writ petition, the petitioner was given liberty to collect milk from its respective members and it was clarified that Respondent No.4 is free to register the petitioner-society if the said society satisfies the conditions pertaining to collection of milk.

2. This petition was filed by Advocate Mr.Y.S.Jahagirdhar. After his elevation to the Bench of this Court, the Court notices were issued to the society. The office noting shows that the notices were served on the petitioners. However, nobody appears for the petitioner-society. Considering the nature of the dispute involved in the instant writ petition and the interim order that was passed while issuing Rule it appears that the petitioner-society must have been either registered or dissolved and that is the reason why the petitioners have lost interest in the writ petition. In view thereof the writ petition stands dismissed for non prosecution.

(D.B.Bhosale, J.)